

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH J. JACOBSEN,

Defendant.

4:16-CR-3141

ORDER

This matter is before the Court on the defendant's oral motion for a presentence study of the defendant pursuant to 18 U.S.C. § 3552(b) and (c). The defendant has been advised that if his request is granted, he will be transported from the District of Nebraska for the study and his sentencing will likely be delayed. With this knowledge, the defendant nonetheless requests the presentence study. The government does not oppose the motion. Being fully advised in the premises, the Court will order that the presentence study be done. The defendant is facing sentencing on charges of Production of Child Pornography and Distribution and Receipt of Child Pornography. The parties' 11(c)(1)(C) plea agreement states there are 11 identified victims of the defendant's criminal activity. The plea agreement proposes a sentence of no less than 25 years and no more than 35 years in prison. Defendant is 44 years old.

Defendant has never sought or received a mental health evaluation or treatment. As such, the Court lacks any information regarding the defendant's mental condition, particularly as it relates to whether the defendant needs medication and therapeutic treatment while incarcerated and whether certain types of prison facilities are suitable for the defendant's well-being.

Under the facts presented, the Court specifically finds, pursuant to § 3552(b), that there is a compelling reason for a presentence study to be performed by the Bureau of Prisons.

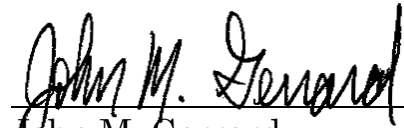
IT IS ORDERED:

1. The defendant's oral motion for a Bureau of Prisons Presentencing Study (filing 34) is granted.
2. Pursuant to 18 U.S.C. § 3552(b) and (c) and 18 U.S.C. § 4244(b), the Bureau of Prisons shall evaluate the defendant and advise the Court, in writing, regarding:
 - a. The defendant's present mental condition;
 - b. The defendant's likely ability to function in a traditional prison environment;
 - c. Whether the Bureau of Prisons can provide the defendant with appropriate medication and mental health treatment if he is incarcerated, including consideration of whether such treatment would be available if the defendant's condition requires him to be kept in protective custody;
 - d. The sentencing alternatives that could best accord the defendant the kind of treatment he needs; and
 - e. Any other matters that the Bureau of Prisons believes to be pertinent to the factors set forth in 18 U.S.C. § 3553(a).

3. The Bureau of Prisons' report shall be completed within the time provided by § 3552(b), including reasonable extensions of time.
4. The U.S. Probation and Pretrial Services officer assigned to this case shall gather all the pertinent mental health and medical records and provide them to the Bureau of Prisons, and the officer shall facilitate the implementation of this Order and coordinate this case with the Bureau of Prisons.
5. The sentencing hearing is continued until further order of the Court. Upon receipt of the report from the Bureau of Prisons, the Court will enter an order setting a date for sentencing.
6. Copies of this order shall be provided to counsel of record, the United States Marshal, and the Office of Probation and Pretrial Services.
7. The United States Marshal shall maintain custody of the defendant, and advise the Bureau of Prisons of this Order.

Dated this 8th day of November, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge